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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,075	02/25/2004	Nobuyuki Nishiwaki	118852	8934
25944	7590	07/17/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			BANKHEAD, GENE LOUIS	
			ART UNIT	PAPER NUMBER
			3744	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/785,075	Applicant(s) NISHIWAKI, NOBUYUKI	
	Examiner Gene L. Bankhead	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-11 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1,5,7,9-11,15,17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 4-6,8,14-16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/25/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: On Page 1 line 10; "noormal" is believed to be --normal--. Appropriate correction is required.

### ***Claim Objections***

Claims 8 and 18 are objected to because of the following informalities: Claims 8 and 18 recite the limitation "sid predetermined temperature". It is believed "sid" is meant to read --said—and so has been treated. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 and 15 recite the limitation "said detected cooling water temperatures" and "said predicted cooling water temperatures" in lines 6 and 7. Claim 1 makes no mention of predicted or detected cooling water temperatures, thus there is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1,7,9-11,17,19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Morikawa et al. (US 6082626).

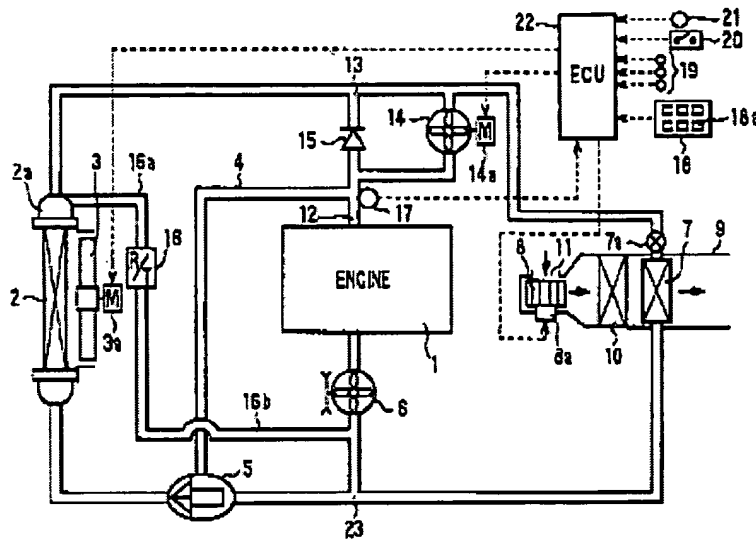
Regarding claims 1 and 11, Morikawa teaches a thermostat abnormal state detecting apparatus, in a circulating path for cooling water within an engine 1 (see Figure 1), capable of detecting an abnormal state of a thermostat 5 based upon a detected cooling water temperature and predicted cooling water temperature of the engine (column 6 lines 54-67 and column 7 lines 1-3). Morikawa also discloses an electric motor fan 3 operated when a predetermined temperature condition is met (column 3 lines 30-33, column 5 lines 1-11, column 6 lines 54-67 and column 7 lines 1-3). Morikawa further discloses a system electronic control unit 22.

With regard to claims 7 and 17, Morikawa discloses the thermostat abnormal state detecting apparatus judges as to whether or not the thermostat is under an abnormal valve opening state after the electric motor fan has been driven in an intermittent matter (column 6 lines 54-67 and column 7 lines 1-38).

In regard to claims 9 and 19, Morikawa teaches the rotation speed of the electric motor fan is based upon the driving condition of the vehicle engine (column 5 lines 1-20).

With regard to claims 10 and 20, Morikawa teaches an electric motor fan 3 adjacent to the system radiator 2. Morikawa further teaches the fan circulates air

through the radiator to enhance the cooling effect, (see Figure 1 and column 3 lines 25-32).



### Figure 1 Morikawa (US 6082626)

### ***Allowable Subject Matter***

Claims 2, 3, 12 and 13 are allowed.

Claims 5 and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 4,6,8,14,16, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene L. Bankhead whose telephone number is (571)-272-8963. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571)-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
CHERYL TYLER  
SUPERVISORY PATENT EXAMINER

Examiner  
Art Unit 3744  
GB